

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN SEALES,

Plaintiff,

Case No. 4:12-cv-11679
Hon. Gershwin A. Drain

v.

Police Officer, THOMAS ZBERKOT,
in his individual capacity,

Defendant.

GEOFFREY N. FIEGER (P30441)
JAMES J. HARRINGTON, IV (P65351)
JAMES S. CRAIG (P52691)
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MOTION FOR ENTRY OF JUDGMENT

NOW COMES Plaintiff, MARVIN SEALES, by and through his attorneys, Fieger, Fieger, Kenney, & Harrington, P.C., for his Motion for Entry of Order of Judgment, states as follows:

1. The instant lawsuit went to Trial beginning on July 24, 2018 and ending on July 27, 2018, at which time the Jury announced its unanimous verdict in open Court.
2. The total verdict was in favor of Plaintiff against Defendant in the amount of \$3,500,000 broken down as follows: \$750,000.00 being awarded as compensatory damages under 42 U.S.C. §1983, \$1,500,000.00 being awarded as punitive damages

under 42 U.S.C. § 1983, \$500,000.00 being awarded as damages for Plaintiff's state law false imprisonment claim, \$250,000.00 being awarded as damages for Plaintiff's state law false arrest claim and \$500,000.00 being awarded as damages for Plaintiff's state law gross negligence claim. (Doc #152)

3. Entry of Judgment is governed by Federal Civil Judicial Procedure and Rules 58, specifically, 58(d) states: a Party may request that a Judgment be set forth on a separate document as required by Rule 58(a)(1).

4. Wherefore, Plaintiff requests JUDGMENT be and the same is hereby ordered in favor of the Plaintiff in the amount of **\$3,500,000.00** - Total Judgment as of August 7, 2018. (**Exhibit A**)

5. Having prevailed on his 42 U.S.C. § 1983 claim, Plaintiff must also be awarded costs and "a reasonable attorneys fee" pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(1) as well as prejudgment interest and post-judgment interest. Fed.R.Civ.P. 59(e) allows a judgment to be amended to provide for costs, attorney fees and interest.

6. Plaintiff requests that this Court enter the attached Judgment. A determination of attorney fees and costs allowable pursuant to 42 USC 1988, sanctions, mistrial sanctions, prejudgment interest and post judgment interest will be determined at a later date.

7. Pursuant to E.D. Mich. L.R. 7.1(a), counsel for Plaintiff contacted counsel for Defendant seeking concurrence in this motion but concurrence was not obtained.

WHEREFORE, Plaintiff MARVIN SEALES requests that the court enter the Judgment attached as **Exhibit A**.

Respectfully Submitted:

***FIEGER, FIEGER, KENNEY
& HARRINGTON, P.C.***

s/ JAMES HARRINGTON IV

JAMES J. HARRINGTON, IV (P65351)

JAMES S. CRAIG (P52691)

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19390 W. Ten Mile Road

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Dated: August 8, 2018

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**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF
JUDGMENT**

Plaintiff relies upon Fed. R.Civ.P. 58 and Fed.R.Civ.P. 59(e).

Respectfully Submitted:

***FIEGER, FIEGER, KENNEY
& HARRINGTON, P.C.***

s/ JAMES HARRINGTON IV

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JAMES S. CRAIG (P52691)
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Dated: August 8, 2018

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ James J. Harrington, IV
James J. Harrington, IV